

REMARKS

The application has been carefully reviewed in light of the Office Action dated January 10, 2008. Claims 1 to 49 are in the application, of which Claims 1 to 3 and 7 to 49 are withdrawn from consideration. The independent claims under consideration are Claim 4 and 5. Claims 4 to 6 have been amended herein. Reconsideration and further examination are respectfully requested.

The Office Action alleges that the specification fails to comply with the sequence rules. According to the Office Action, the specification recites sequences that lack description by the appropriate sequence identifier. However, Applicants respectfully submit that all the sequences recited in the specification are described by the appropriate sequence identifier. The sequence identifiers for the sequences listed in Tables 12 to 41 (pages 32 to 37, 40 to 45, and 49 to 53) are set forth in Tables 1 to 10 (pages 15 to 20). In this regard, the sequences from Tables 12 to 41 are the same as sequences from Tables 1 to 10.

Claims 4 to 6 were objected to for containing non-elected subject matter. When the application is otherwise in condition for allowance, Applicants will consider the possibility of deleting the non-elected subject matter from the claims.

Claim 6 was objected to for being of improper dependent form. The objection is respectfully traversed, and is submitted to have been obviated by the amendment made to Claim 6.

Claims 4 to 6 were objected to for alleged informalities. The objection is respectfully traversed, and is submitted to have been obviated by the amendments made to Claims 4 to 6.

Claim 4 was rejected under 35 U.S.C. § 112, second paragraph. The rejection is respectfully traversed, and is submitted to have been obviated by the amendment made to this claim.

Claims 4 to 6 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,474,796 (Brennan). Claims 4 to 6 were also rejected under 35 U.S.C. § 102(a) and (e) over U.S. Publication No. 2004/0010129 (Hsu). These rejections are respectfully traversed.

According to a feature of the invention as recited by Claim 4, the probe consists of an oligonucleotide selected from the base sequences of SEQ ID Nos. 1 to 14 and complementary sequences thereof.

According to a feature of the invention as recited by Claim 5, the probe set includes infection detection probes each consisting of an oligonucleotide selected from the base sequences of SEQ ID Nos. 1 to 14 and complementary sequences thereof.

Neither Brennan nor Hsu is seen to disclose or suggest at least the above-discussed features.

Dependent Claim 6 is also submitted to be patentable because it sets forth additional aspects of the present invention and is dependent from an independent claim discussed above. Therefore, separate and individual consideration of this dependent claim is respectfully requested.

With respect to non-elected Claim 7, rejoinder of this claim is respectfully requested upon the allowance of Claim 6, pursuant to MPEP § 821.04(b).

REQUEST FOR INTERVIEW

If upon consideration of this Amendment, the Examiner still has concerns as to the patentability of the claims, Applicants respectfully request that the Examiner contact Applicants' undersigned representative to arrange an interview.

CONCLUSION

The application is believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

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